THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.1654 of 2016

and

Criminal Revision Case No.1122 of 2016

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., questioning the judgment dated 07.04.2015 passed in Criminal Appeal No.177 of 2013 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, wherein the learned Sessions Judge confirmed the conviction and sentence imposed against the petitioner/Accused vide judgment dated 30.10.2012 passed in C.C.No.1088 of 2012 on the file of the XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Hyderabad.

A perusal of the material on record would show that the 1st respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Vide judgment dated 30.10.2012 passed in C.C.No.1088 of 2012 the learned XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Hyderabad, convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of one year and also pay a fine of Rs.10,000/- in default S.I. for three months. Challenging the same, the petitioner/accused preferred Crl.A.No.177 of 2013 before the III Additional Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge by his judgment dated 07.04.2015

dismissed the appeal confirming the judgment of the trial Court. Aggrieved by the same the present revision is filed.

During the pendency of revision, the complainant filed Crl.R.C.M.P.No.1654 of 2016 seeking permission of the Court to compound the offence under Section 138 of the Act. Today the complainant and accused are present and they are identified by their respective counsel Sri Quddus and Sri Gangula Ashok Kumar Reddy, respectively. The affidavit of the complainant came to be filed stating that he has received Rs.1,00,000/- on 04.07.2015 and Rs.25,000/- on 29.11.2015 and further amounts on various dates, totalling to Rs.2,60,000/- and as such, he is not interested to proceed further in the matter. A joint memo to that effect, signed by both the parties, is also filed. When examined, the complainant stated that he has settled the matter out of the Court and he has no objection for acquittal of the accused in the above criminal revision case.

Section 147 of the Act reads as under;

> "Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence punishable under this Act shall be compoundable".

In view of the compromise arrived at between the parties and taking into consideration the circumstances under which the present M.P. has been filed, permission for compounding the offence can be accorded.

Accordingly, Crl.R.C.M.P.No.1654 of 2016 is ordered and consequently Criminal Revision Case No.1122 of 2016 is allowed, setting aside the judgments dated 07.04.2015 and 30.10.2002 in Criminal Appeal No.177 of 2013 and C.C.No.1088 of 2012, respectively, and the petitioner/accused is acquitted for the offence punishable under Section 138 of the Negotiable Instrument Act. Miscellaneous petitions, if any, pending in this revision shall stand closed.

_____

C. PRAVEEN KUMAR, J

25.04.2016
Msr

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.1654 of 2016
and
Criminal Revision Case No.1122 of 2016

25.04.2016
Msr